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23 Attorneys for plaintiff: Coho Licensing LLC

14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 **COHO LICENSING LLC,**

17 Plaintiff,

18 v.

19 **AOL, INC.,**

20 Defendant.

21 **CASE NO.: 14-2127**

22 **COMPLAINT FOR INFRINGEMENT OF**
23 **U.S. PATENT NO. 8,667,065**

24 **PLAINTIFF REQUESTS TRIAL BY**
25 **JURY**

1 Plaintiff Coho Licensing LLC (hereinafter "Coho" or "Plaintiff"), files its Complaint
 2 against Defendant AOL, Inc. (hereinafter "AOL" or "Defendant") alleging as follows:

3 **NATURE OF THE ACTION**

4 1. This is an action for patent infringement arising under the patent laws of the
 5 United States, Title 35 of the United States Code, to prevent and enjoin Defendant from
 6 infringing and profiting, in an illegal and unauthorized manner and without authorization and/or
 7 consent from Coho, from U.S. Patent No. 8,667,065 (the "'065 patent") (attached hereto as
 8 Exhibit A) pursuant to 35 U.S.C. §271, and to recover damages, attorneys' fees, and costs.

9 **THE PARTIES**

10 2. Plaintiff Coho is a Delaware limited liability company with its principal place of
 11 business at 222 Delaware Avenue, PO Box 25130, Wilmington, DE 19899.

12 3. Defendant AOL is a Delaware corporation with its principal place of business at
 13 770 Broadway, New York, New York 10003.

14 **JURISDICTION AND VENUE**

15 4. This Court has exclusive subject matter jurisdiction over this action pursuant to 28
 16 U.S.C. §§1331 and 1338(a) because the action arises under the patent laws of the United States,
 17 35 U.S.C. §§1 et seq.

18 5. This Court has personal jurisdiction over Defendant by virtue of its systematic
 19 and continuous contacts with this jurisdiction, specifically due to the fact that it maintains a
 20 corporate office within said jurisdiction, as well as the injury to Coho and the cause of action
 21 Coho has raised as alleged herein.

22 6. Defendant has conducted and does conduct business within the state of California,
 23 specifically, in the Northern District of California, directly or through intermediaries, resellers,

1 agents, or offers for sale, sells and/or advertises its services in California that infringe the '065
2 patent.

3 7. In addition to Defendant's continuously and systematically conducting business in
4 California the causes of action against Defendant are connected (but not limited) to Defendant's
5 purposeful acts committed in the state of California, specifically, in the Northern District of
6 California, including Defendant's making, using, importing, offering for sale, and/or selling
7 services which include features that fall within the scope of at least one claim of the '065 patent.

8 8. For the foregoing reasons, personal jurisdiction exists and venue is proper in this
9 Court under 28 U.S.C. §§1391(b)(1) and (c)(2) and 28 U.S.C. §§1400(b).

10 9. An immediate, real, and justiciable controversy exists between Coho and
11 Defendant as to whether Defendant is infringing or has infringed the '065 patent.

12 **FACTUAL ALLEGATIONS**

13 *The '065 patent*

14 10. On March 4, 2014 the United States Patent and Trademark Office ("USPTO")
15 duly and legally issued the '065 patent, entitled "Distributed Processing Multiple Tier Task
16 Allocation" after a full and fair examination.

17 11. Coho is presently the owner by assignment of the '065 patent, having received all
18 right, title, and interest in and to the '065 patent from the previous assignee of record. Coho
19 possesses all rights of recovery under the '065 patent, including the exclusive right to recover for
20 past infringement.

21 12. The '065 patent contains one independent claim and nine dependent claims.

22 13. The invention described in the '065 patent includes a system for distributed
23 processing.

1 14. The system for distributed processing described in the '065 patent comprises, in
2 combination: an allocating computing device including a first memory and a first processor; a
3 sub-allocating computing device including a second memory and a second processor; an
4 allocated computing device including a third memory and a third processor; a results computing
5 device including a fourth memory and a fourth processor; a first set of instructions stored in the
6 first memory of the allocating computing device, the first set of instructions, when executed by
7 the first processor, dividing a task into a plurality of task portions, at least one first task portion
8 comprising further divisible portions (or, "subtask portions"); a second set of instructions stored
9 in the first memory of the allocating computing device, the second set of instructions, when
10 executed by the first processor, allocating said first task portion to the sub-allocating computing
11 device via network connectivity; a third set of instructions stored in the second memory of the
12 sub-allocating computing device that, when executed by the second processor, are adapted to
13 await receipt of the first task portion, divide the first task portion into a plurality of subtask
14 portions, and allocate at least one said subtask portion to the allocated computing device via
15 network connectivity; a fourth set of instructions stored in the third memory of the allocated
16 computing device, the fourth set of instructions, when executed by the third processor, are
17 adapted to receive the subtask portion, process the subtask portion, produce at least one result
18 related to the subtask portion, and transfer the result to the results computing device; and a fifth
19 set of instructions stored in the fourth memory of the results computing device, the fifth set of
20 instructions, when executed by the fourth processor, awaiting receipt of the results transferred
21 from the allocated computing device as well as other results related to the first task, and collating
22 all of the received results.

23

Defendant's Infringement of the '065 patent

15. AOL uses software that allows for the distributed processing of large data sets across clusters of computers that form a distributed application software framework. Thus, AOL uses a system for distributed processing in accordance with at least one claim of the '065 patent.

16. AOL divides a task into a plurality of task portions. AOL uses a dataset analysis platform for analyzing large data sets that consists of a high-level language for expressing data analysis programs, coupled with a distributed application software framework infrastructure for evaluating these programs.

17. An allocating computer for AOL allocates at least one task portion to a sub-allocating computer, which receives the task portion. There are three major categories of machine roles in a distributed application software framework used by AOL: Client Machines, Job Trackers and Task Trackers. The Job Tracker coordinates the parallel processing of data using Map Reduce. The Client Machine submits MapReduce jobs to the Job Tracker.

18. An AOL sub-allocating computer allocates subtask portions to allocated computers, which receives the subtask portions. 19. The Job Tracker (receives a Map-Reduce job consisting of individual map and reduce tasks. For example, the Job Tracker will assign map tasks to be run on various Task Trackers.

20. In an AOL distributed application software framework, the subtask portion comprises a portion of the task portion. A Map Reduce Job consists of individual map and reduce tasks. A distributed application software framework task executes the individual map and reduce tasks. A distributed application software framework job consists of all the files and classes needed to run a Map Reduce job, including the individual map and reduce tasks. An AOL subtask processing computer processes the subtask portion, creating a result. The Task Tracker

1 receives and executes the individual map tasks. When a map task is finished, the results of the
2 computation are stored in local storage as intermediate data. When a map task is finished, the
3 results are stored in local storage as intermediate data.

4 21. The AOL subtask processing computer transfers the results to a results computer,
5 which receives and stores results from a plurality of computers. In AOL's computer implemented
6 method, the Task Trackers transfer their intermediate data to a node running a reduce task for
7 final computation. The output is a file that is written to a distributed file system.

8 .

9 **COUNT I: DIRECT INFRINGEMENT OF THE '065 PATENT**

10 22. Plaintiff realleges and incorporates by reference the allegations set forth in
11 paragraphs 1-21.

12 23. Taken together, either partially or entirely, the features included in AOL's
13 distributed processing system meet each and every claim element of the system recited in one or
14 more of the claims of the '065 patent.

15 24. Defendant directly infringes one or more of the claims of the '065 patent by
16 making, using, selling, offering to sell and/or importing the system for distributed processing
17 described in the '395 Patent in violation of 35 USC § 271(a).

18 **DEMAND FOR JURY TRIAL**

19 25. Coho demands a trial by jury of any and all causes of action.

20 **PRAYER FOR RELIEF**

21 Coho respectfully prays for the following relief:

22 1. That Defendant be adjudged to have infringed the '065 patent, literally and/or
23 under the doctrine of equivalents;

1 2. That Defendant, its officers, directors, agents, servants, employees, attorneys,
2 affiliates, divisions, branches, parents, and those persons in active concert or participation with
3 any of them, be permanently restrained and enjoined from directly and/or indirectly infringing
4 the '065 patent;

5 3. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate Coho
6 for Defendant's past infringement and any continuing or future infringement up until the date
7 that Defendant is finally and permanently enjoined from further infringement, including
8 compensatory damages;

9 4. An assessment of pre-judgment and post-judgment interest and costs against
10 Defendant, together with an award of such interests and costs, in accordance with 35 U.S.C.
11 §284;

12 5. That Defendant be directed to pay enhanced damages, including Coho's
13 attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285; and

14 6. That Coho have such other and further relief as this Court may deem just and
15 proper.

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DATED: May 8, 2014

FERRAIUOLI, LLC

By: /s/ Jean G. Vidal-Font

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